

BEST AVAILABLE COPY**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Manole, et al.
Serial No.: 10/707,272
Filing Date: 12/2/2003
Docket No.: 2003-056
Examiner: Hayes
Art Unit: 3644
Date of Office Action: 8/5/2004
Title of Invention: System And Method For A Flameless
Tracer/Marker Utilizing Heat Marking Chemicals

FEE AUTHORIZATION LETTER

Honorable Commissioner of Patents & Trademarks
Washington, D.C. 20232

Sir:

This is in connection with Applicants' response in the above-identified Application.

The PTO is hereby authorized to charge the sum of \$110. from the Army's account number 19-2201, for the following charges: Fee for a Terminal Disclaimer 37 CFR 1.20(d).

The PTO is also authorized to charge corrected fees for the above-described services, in the event the undersigned has misquoted or miscalculated the correct prices in the amount that was authorized herein.

8/11/2004
Date

Respectfully,

Michael C. Sachs

Michael C. Sachs
Attorney for Applicants
Reg. No. 29,262
Tel. No. (973) 724-6595
Fax No. (973) 724-5552

Mailing Address :

U.S. Army ARDEC
Attn: AMSRD-AAR-GCL
M. Sachs / Building 3
Picatinny Arsenal, NJ 07806-5000

PTO/SB/26 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
2003-058

In re Application of: **Manole, et al.**

Application No.: **10/707,272**

Filed: **12/2/2003**

For: **System and Method For A Flameless Tracer/Marker Utilizing Heat Marking Chemicals**

The owner, United States of America, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,497,181. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Michael C. Sachs *8/17/04*

Signature Date

Michael C. Sachs — Reg. No. 29,282

Typed or printed name

(973) 724-6595

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

Auto-Reply Facsimile Transmission



TO: Fax Sender at 973 724 5552

Fax Information
Date Received: 8/23/2004 5:20:37 PM [Eastern Daylight Time]
Total Pages: 14 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

08/23/2004 11:22 FAX 973 724 5552 PICATINNY LEGAL OFFICE 0001	
DEPT. OF THE ARMY U.S. ARMY RDECOM-ARDEC PICATINNY LEGAL OFFICE AMSRD-AAR-GCL BUILDING 3 PICATINNY, NJ 07806-5000 CUSTOMER NO. 32170	
FACSIMILE TRANSMISSION:	24 Hour Automatic - All Speeds FAX NO.: (973) 724-5552 DSN: 880-5552
TO FAX PHONE NO.: (703) 822-9325	DATE: 23 August 2004
ATTN: C3600	Desk Phone:
FROM: Kathryn Vander Sande	Desk Phone: 973-724-3449
SUBJECT: SN 10/707272, Filed 12/02/2003, Response to Office Action of 08/05/2004 for SYSTEM AND METHOD FOR A FLAMELESS TRACER/MARKER UTILIZING HEAT MARKING CHEMICALS, by Manole, et. al.	
Pages sent including header: 14	
DO NOT PROCESS, STORE, OR TRANSMIT CLASSIFIED INFORMATION ON NONSECURE TELECOMMUNICATIONS SYSTEM. OFFICIAL DOD - TELECOMMUNICATIONS SYSTEMS - INCLUDING TELEPHONES, FACSIMILE MACHINES, COMPUTER NETWORKS, AND MODEMS - ARE SUBJECT TO MONITORING FOR TELECOMMUNICATIONS SECURITY PURPOSES AT ALL TIMES. USE OF OFFICIAL DOD TELECOMMUNICATIONS SYSTEMS CONSTITUTES CONSENT TO TELECOMMUNICATIONS SECURITY MONITORING.	
08/11/05 11:04 FAX 973 724 5552 PICATINNY LEGAL OFFICE 0001	

BEST AVAILABLE COPY

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 3179
CONNECTION TEL 997038729325
SUBADDRESS
CONNECTION ID
ST. TIME 08/23 17:22
USAGE T 05'59
PGS. SENT 14
RESULT OK



DEPT. OF THE ARMY
U.S. ARMY RDECOM-ARDEC
PICATINNY LEGAL OFFICE
AMSRD-AAR-GCL
BUILDING 3
PICATINNY, NJ 07806-5000
CUSTOMER NO. 32170

FACSIMILE TRANSMISSION:

24 Hour Automatic - All Speeds
FAX NO.: (973) 724-5552
DSN: 880-5552

TO FAX PHONE NO.: (703) ⁸⁷²⁻~~388~~-9325

DATE: 23 August 2004

ATTN: C3600

Desk Phone:

FROM: Kathryn Vander Sande

Desk Phone: 973-724-3449

SUBJECT: SN 10/707272, Filed 12/02/2003, Response to Office Action of
08/05/2004 for SYSTEM AND METHOD FOR A FLAMELESS TRACER/MARKER
UTILIZING HEAT MARKING CHEMICALS, by Manole, et. al.

Pages sent including header: 14

**DO NOT PROCESS, STORE, OR TRANSMIT CLASSIFIED INFORMATION ON
NONSECURE TELECOMMUNICATIONS SYSTEM. OFFICIAL DOD
TELECOMMUNICATIONS SYSTEMS - INCLUDING TELEPHONES, FACSIMILE
MACHINES, COMPUTER NETWORKS, AND MODEMS - ARE SUBJECT TO MONITORING
FOR TELECOMMUNICATIONS SECURITY PURPOSES AT ALL TIMES. USE OF
OFFICIAL DOD TELECOMMUNICATIONS SYSTEMS CONSTITUTES CONSENT TO
TELECOMMUNICATIONS SECURITY MONITORING**



DEPT. OF THE ARMY
U.S. ARMY RDECOM-ARDEC
PICATINNY LEGAL OFFICE
AMSRD-AAR-GCL
BUILDING 3
PICATINNY, NJ 07806-5000
CUSTOMER NO. 32170

FACSIMILE TRANSMISSION:

24 Hour Automatic - All Speeds
FAX NO.: (973) 724-5552
DSN: 880-5552

TO FAX PHONE NO.: (703) ⁸⁷²⁻~~308~~-9325

DATE: 23 August 2004

ATTN: TC3500

Desk Phone:

FROM: Kathryn Vander Sande

Desk Phone: 973-724-3449

SUBJECT: SN 10/707272, Filed 12/02/2003, Response to Office Action of 08/05/2004 for SYSTEM AND METHOD FOR A FLAMELESS TRACER/MARKER UTILIZING HEAT MARKING CHEMICALS, by Manole, et. al.

Pages sent including header: 14

DO NOT PROCESS, STORE, OR TRANSMIT CLASSIFIED INFORMATION ON NONSECURE TELECOMMUNICATIONS SYSTEM. OFFICIAL DOD - TELECOMMUNICATIONS SYSTEMS - INCLUDING TELEPHONES, FACSIMILE MACHINES, COMPUTER NETWORKS, AND MODEMS—ARE SUBJECT TO MONITORING FOR TELECOMMUNICATIONS SECURITY PURPOSES AT ALL TIMES. USE OF OFFICIAL DOD TELECOMMUNICATIONS SYSTEMS CONSTITUTES CONSENT TO TELECOMMUNICATIONS SECURITY MONITORING.

